

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
FEBRUARY 7, 1979

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, February 7, 1979 in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - Hughes, Katzakian,
McCarty and
Pinkerton

Absent: Councilmen - Katnich

Also

Present: Assistant City Manager Glenn,
Public Works Director Ronsko, Community
Development Director Schroeder, City
Attorney Mullen, and City Clerk Reimche.

INVOCATION

The invocation was given by Reverend Bob
Mattheis, St. Paul's Lutheran Church.

PLEDGE

Mayor Pinkerton led the Pledge of Allegiance
to the flag.

MINUTES

Mayor Pinkerton asked to abstain from voting
on the approval of the Minutes of January 17,
1979 as he was not present at that meeting and
could not express his approval as to the accuracy
of the Minutes.

On motion of Mayor Pro Tempore Katzakian,
McCarty second, Council approved the Minutes
of January 17, 1979 by the following vote:

Ayes: Councilmen - Hughes, Katzakian and
McCarty

Noes: Councilmen - None

Absent: Councilmen - Katnich

Abstain: Councilmen - Pinkerton

On motion of Mayor Pro Tempore Katzakian,
McCarty second, the Minutes of January 24,
1979 were approved as written and mailed.

PROCLAMATION

Mayor Pinkerton proclaimed the week of February 4 through 10, 1979 as "1979 National Children's Dental Health Week" and presented the Proclamation to Dr. Benjamin.

PUBLIC HEARINGS

MILLSWOOD
SUBDIVISION EIR
CERTIFIED AS
ADEQUATE

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing to consider the City Planning Commission's recommendation that the City Council certify as adequate the Final Environmental Impact Report for Millswood Subdivision.

Copies of the Environmental Impact Report for Millswood Subdivision had been provided each City Councilman at the January 17, 1979 Council meeting to allow sufficient time for study and evaluation of the report by the Council.

The matter was introduced by Community Development Director Schroeder. Mr. Schroeder displayed a diagram of the subject area for Council's perusal. Mr. Schroeder then responded to questions as were posed by the Council.

There were no persons in the audience wishing to speak on the matter, and the public portion of the hearing was closed.

Following review, evaluation, and discussion regarding the subject environmental documents, Council, on motion of Mayor Pro Tempore Katzakian, McCarty second, certified as adequate the final Environmental Impact Report for Millswood Subdivision.

AREA
ENCOMPASSED
BY MILLSWOOD
SUBDIVISION
ZONED R-2ORD. NO. 1165
INTRO.

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing to consider the City Planning Commission's recommendation for approval of the request of C.P.G.L. Development Company and Matthews Development Company to zone the area encompassed by the Millswood Subdivision, which is south of Yosemite Drive between Mills Avenue and Rainier Drive, R-2, Single-Family Residential.

The matter was introduced by Community Development Director Schroeder. Mr. Schroeder presented a diagram of the proposed zoning and responded to questions as were posed by the City Council.

Minutes of February 7, 1979, continued

MILLSWOOD
SUBDIVISION
(Cont'd)

There were no persons in the audience wishing to speak on the matter, and the public portion of the hearing was closed.

Mayor Pro Tempore Katzakian introduced Ordinance No. 1165 zoning the area encompassed by the Millswood Subdivision, which is south of Yosemite Drive between Mills Avenue and Rainier Drive, R-2, Single-Family Residential. The motion was seconded by Councilman Hughes and carried by the following vote:

Ayes: Councilmen - Hughes, Katzakian,
McCarty and Pinkerton

Noes: Councilmen - None

Absent: Councilmen - Katnich

Abstain: Councilmen - None

PLANNING
COMMISSION

Assistant City Manager Glenn gave the following report of the Planning Commission meeting of January 22, 1979:

ITEMS OF
INTEREST

The Planning Commission -

1. Conditionally approved the request of Rivergate Development Company for the approval of the Revised Tentative Map of Rivergate-Mokelumne, Unit #2, a 52-unit, 5.4 acre development proposed for the northwest corner of West Turner Road and Rivergate Drive in an area zoned P-D(5), Planned Development District No. 5.
2. Conditionally approved the request of Katzakian and Schaffer Realty to divide an existing parcel at the northwest corner of South Fairmont Avenue and West Oak Street into two parcels with Parcel "A" having 70 feet of frontage on South Fairmont Avenue, and Parcel "B" having 113.15 feet of frontage on South Fairmont Avenue.
3. Conditionally approved the request of Lawson-Itaya-Espalin, Architects on behalf of the Bank of America for a Use Permit for a temporary Bankmobile at 700 West Kettleman Lane in the Vineyard Shopping Center in an area zoned P-D(15), Planned Development District No. 15.

COMMUNICATIONS

City Clerk Reimche presented the following Claim which had been presented to the City:

CLAIM

Michael Richter, Loss Date - July 19, 1978

CLAIM
(Cont'd)

On motion of Mayor Pro Tempore Katzakian, Pinkerton second, Council rejected the Claim presented by Michael Richter and referred it to R. L. Kautz and Company, the City's Contract Administrator.

PUC
APPLICATIONS

The City Clerk presented the following applications presently before the Public Utilities Commission:

- 1) 58468 of PG&E for authority to reduce its Electric Rates and charges under the Energy Cost Adjustment Clause included in its Electric Tariff.
- 2) 58469 of PG&E for authority to revise its gas rates and tariffs under the Gas Cost Adjustment Clause, to change gas rate design, and to modify the Gas Cost Balance Account to reflect carrying costs of gas in storage.
- 3) 58470 of PG&E for authority to revise its gas rates and tariffs under the Supply Adjustment Mechanism, to change gas rate design, and to consolidate the Supply Mechanism with the Gas Cost Adjustment Clause.

PLANNING
COMMISSIONER
WOOLLETT TO
UNDERGO
SURGERY

City Clerk Reimche presented a letter which had been received from Planning Commissioner Frank S. Woollett stating that he will undergo surgery shortly and discussing his possible future plans as a member of the Planning Commission.

SANITARY CITY
REORGANIZA-
TION

Council was apprised that a certified copy of LAFCO Resolution 405 had been received which disapproves the proposed Sanitary City Reorganization without prejudice, which signifies consent to waive provisions that would otherwise prohibit initiation of a new proposal within one year following disapproval.

ABC LICENSES

City Clerk Reimche presented the following Alcoholic Beverage License Applications which had been received:

- 1) Bonnie J., Edward and Ronald Dancer, Plaza Liquors, 800 S. Cherokee, -Lodi - Off Sale General, Person to person transfer.
- 2) Doris and Hassan Mosri, Lodi Avenue Liquor, 914 W. Lodi Ave., Lodi - Off Sale General - Person to person transfer, Premises to premises.
- 3) James A. McCarty, The Chopping Block, 412 W. Lodi Ave., Lodi - Off Sale General, Person to person transfer

ABC LICENSES
(Cont'd)

- 4) Larry E. and George Pacheco, Denny's Restaurant, 701 E. Kettleman Lane, Lodi, On Sale Beer and Wine Eating Place, New License
- 5) Charles A. and Jacqueline Wagner, Happy Steak Restaurant, 224 N. Ham Lane, On Sale Beer and Wine Eating Place, New License.

OPENING OF
CONGRESSMAN
SHUMWAY'S
DISTRICT
OFFICE

City Clerk Reimche presented an invitation which had been received from the Honorable Norman D. Shumway inviting the Council to attend the opening of his District Office on Friday, February 9, 1979.

PUBLIC HEARING
RE PROPOSED
VACATION OF A
PORTION OF AN
EAST-WEST
STREET, NORTH
OF WEST LODI
AVENUE ON THE
EAST SIDE OF S.
HUTCHINS ST.

Following introduction of the matter by City Clerk Reimche, Council, on motion of Mayor Pro Tempore Katzakian, McCarty second, continued the Public Hearing on the proposed vacation of a portion of an east-west street, north of West Lodi Avenue on the east side of South Hutchins Street to March 7, 1979 at 8:00 p.m.

REPORTS OF
CITY MANAGER

CONSENT
CALENDAR

In accordance with the report and recommendation of the City Manager, the following actions, hereby set forth between asterisks, on motion of Mayor Pro Tempore Katzakian, Hughes second, were approved by the Council.

CLAIMS

CLAIMS WERE APPROVED IN THE AMOUNT OF \$1,857,725.40.

RES. AUTHOR-
IZING DESTRUC-
TION OF CERTAIN
PUBLIC WORKS
RECORDS

Council was given an inventory of certain records of the Public Works Department for which the City Attorney had given his written consent to destroy.

RESOLUTION NO. 79-15

RES. NO. 79-15

RESOLUTION AUTHORIZING DESTRUCTION OF CERTAIN PUBLIC WORKS RECORDS.

P.D. AUTHOR-
IZED TO PURCHASE
EQUIPMENT &
SUPPLIES FROM
STATE

A request from the Police Department to purchase, as in the past, flares, ammunition and police vehicles from the Office of Procurement, State of California for the calendar year of 1979 was presented for Council approval.

RES. NO. 79-16

Minutes of February 7, 1979, continued

P.D. SUPPLIES
(Cont'd)

RESOLUTION NO. 79-16

RESOLUTION AUTHORIZING THE POLICE
DEPARTMENT TO PURCHASE EQUIPMENT
AND SUPPLIES FROM THE STATE OF
CALIFORNIA. -

AWARD-LOADER
DUMP TRUCK

RES. NO. 79-17

Assistant City Manager Glenn presented the
following bids which had been received for a
Loader Dump Truck for the Public Works
Department:

<u>BIDDER</u>	<u>AMOUNT</u>
Geweke Ford	\$43,391.47
Interstate International	\$45,193.77

Mr. Glenn recommended that the award be
made to the low bidder, Geweke Ford, and
that it will be necessary to approve a Special
Allocation for \$2,075, the amount this item
was underbudgeted in the 1978-79 Budget.

RESOLUTION NO. 79-17

RESOLUTION AWARDING THE BID FOR A
LOADER DUMP TRUCK FOR THE PUBLIC
WORKS DEPARTMENT TO GEWEKE FORD,
IN THE AMOUNT OF \$43,391.47 AND
APPROVING A SPECIAL ALLOCATION IN
THE AMOUNT OF \$2,075 TOWARD THIS
PURCHASE.

APPROVE FINAL
MAP, SUBDIVISION
AGREEMENT, ETC.
MATTHEWS
ESTATES

Council was apprised that Matthews Develop-
ment Company, the developer of Matthews
Estates, has furnished the City with the final
map and the subdivision improvement plans as
well as the necessary agreements, surety bonds,
and development fees for their proposed subdivi-
sion. The subdivision is located between South
Hutchins Street and South Church Street south of
the Albertson-Payless Shopping Center and con-
sists of 61 lots zoned R-MD.

COUNCIL APPROVED THE FINAL MAP, THE
IMPROVEMENT PLANS, AND THE IMPROVE-
MENT SECURITY AND DIRECTED THE CITY
MANAGER TO SIGN THE SUBDIVISION AGREE-
MENT, THE ELECTRICAL UTILITY AGREEMENT,
AND THE SANITARY SEWER EXTENSION REIM-
BURSEMENT AGREEMENT ON BEHALF OF THE
CITY.

AGENDA ITEM
"f" REMOVED
FROM AGENDA

With the tacit concurrence of the Council, Agenda
Item "f" - "Approve Subdivision Agreement -
Beckman Estates" was removed from the Agenda.

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AMENDMENT TO
1978-79
TRANSPORTATION
DEVELOPMENT
ACT CLAIM

RES. NO. 79-18

Council was informed that the 1978-79 Transportation Development Act Claim has been amended to include all road and street projects for which the City anticipates spending SB325 monies on in this current fiscal year.

The 1978-79 claim also reduces the amount of funds for the Dial-A-Ride demonstration project, as a result of new estimated income and expenditures. These changes are administrative in nature and are prepared to reflect the City's 1978-79 Capital Improvement Program projects.

RESOLUTION NO. 79-18

RESOLUTION AMENDING THE 1978-79 CLAIM
FOR TRANSPORTATION DEVELOPMENT ACT
FUNDS (SB 325)

AMENDMENTS TO
CITY CODE RE
GARBAGE,
INSURANCE RE-
QUIREMENTS, ETC.

ORD. NO. 1166
INTRO.

Following introduction of the matter by Assistant City Manager Glenn, City Attorney Mullen gave a brief synopsis of a proposed ordinance amending certain sections of the City Code pertaining to the definition of garbage, insurance requirements required of the City Garbage Contractor and repealing recommendations and regulations for the use of the City Sanitary Fill.

Discussion followed with questions concerning the matter being directed to the City Attorney and to Mr. Glenn.

Mayor Pro Tempore Katzakian then moved introduction of Ordinance No. 1166 entitled "An Ordinance Amending Section 11-1 defining garbage, 11-7 and 11-12 of the Lodi City Code pertaining to insurance requirements required of the City Garbage Contractor and repealing recommendations and regulations for the use of the City Sanitary Fill". The motion was seconded by Councilman Hughes and carried by the following vote:

Ayes: Councilmen - Hughes, Katzakian,
McCarty and Pinkerton

Noes: Councilmen - None

Absent: Councilmen - Katnich

PUBLIC WORKS
DIRECTOR
AUTHORIZED TO
ACCEPT OR
REJECT OFFERS
OF DEDICATIONS
MADE ON PARCEL
MAPS

ORD. NO. 1167
INTRO.

Council was apprised that all parcel maps including the proposed right of way dedication and easement dedication under the new Subdivision Ordinance require the approval of the Planning Commission. Dedications on parcel maps under the existing wording of the Subdivision Ordinance also require that these dedications be accepted by City Council action. The problem created is the matter of processing the parcel map through both the Planning Commission and City Council. In many cases it could take up to five weeks to get Planning Commission and Council approval once the parcel map is completed and approved by City staff.

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DEDICATIONS ON
PARCEL MAPS
(Cont'd)

Council discussion followed with questions being directed to Staff.

Mayor Pro Tempore Katzakian then moved for introduction of Ordinance No. 1167 modifying the existing Subdivision Ordinance and thereby authorizing the Public Works Director to accept or reject on behalf of the City, offers of dedications made on Parcel Maps. The motion was seconded by Councilman Hughes and carried by the following vote:

Ayes: Councilmen - Hughes, Katzakian,
McCarty and Pinkerton

Noes: Councilmen - None

Absent: Councilmen - Katnich

AGENDA ITEM
"j" REMOVED
FROM THE
AGENDA

With the tacit concurrence of the City Council, Agenda Item "j" - "Storm Drainage Acreage Fee for 1800 S. Cherokee Lane" was removed from the Agenda.

REPLACEMENT
OF BOATHOUSE,
DOCKS & PATROL
BOAT AT LODI
LAKE PARK
APPROVED

Assistant City Manager Glenn advised the Council that the boathouse at Lodi Lake Park was recently destroyed by fire. The insurance recovery was \$7,500 and payment has been received by the Finance Department.

It is proposed to replace the old wooden structure destroyed by fire with a metal building at an estimated cost of \$3,800. Estimated cost of replacing the docks is \$2,000. The most expensive item to replace is the patrol boat at a cost of \$4,850. Paddles, lifejackets and various items of \$300 or less bring the total cost to \$11,875. A lengthy discussion followed with questions being directed to Staff. Diagrams depicting the patrol boat proposed to be purchased were presented for Council's perusal.

Following introduction of the matter by Councilman McCarty, Council discussed the feasibility of using a canine patrol in the Lodi Lake Park area.

Following additional discussion, Council, on motion of Mayor Pro Tempore Katzakian, Pinkerton second, approved a Special Allocation in the amount of \$11,875.00 to cover the replacement of the boathouse, docks, and patrol boat at Lodi Lake Park.

RES. REAFFIRMING
CITY'S INTENTION
TO SELF-INSURE
FOR WORKERS'
COMPENSATION
LIABILITY

Council was advised by Assistant City Manager Glenn that recent legislation subjects public entities which are self-insured for Workers' Compensation to regulation by the Director of the Department of Industrial Relations. Accordingly, the City must file an application for a Certificate of Consent to Self Insure.

RES. NO. 79-19

SELF-INSURANCE
WORKERS' COMP.
(Cont'd)

Following discussion, on motion of Mayor Pro Tempore, Katzakian, Hughes second, Council adopted Resolution No. 79-19 reaffirming the City's intent to self-insure for Workers' Compensation liability and authorized the City Manager or the Assistant City Manager to act in the City's behalf in this regard.

AWARD-LIABILITY
INSURANCE
COVERAGE

Assistant City Manager Glenn apprised the City Council that the City's present liability insurance expired at midnight February 1, 1979. The City, through its Agent of Record, Max Elson received the following three proposals for insurance:

<u>COMPANY</u>	<u>AMOUNT</u>	<u>DEDUCTIBLE</u>	<u>ANNUAL PREMIUM</u>
Admiral	\$5,000,000	\$50,000	\$127,452
Columbia Casualty	\$5,000,000	\$100,000 \$200,000 stop loss	\$110,685
Cranford RLI	\$5,000,000	\$ 50,000	\$131,500

Council was further informed that the Admiral Company has indicated they, also, would write a \$100,000 deductible policy at approximately \$111,000. Based upon this, Mr. Elson has been asked to bind renewal with the Admiral Company.

A lengthy discussion followed with questions being directed to Mr. Glenn, the City Attorney, and to Mr. Jim Elson who was in the audience.

On motion of Councilman Hughes, Katzakian second, Council authorized renewal of the City's liability policy with the Admiral Company at a cost of approximately \$111,000.00, using a \$100,000.00 retention; authorizing that a restricted interest-bearing fund be established by the City in the amount of \$50,000.00 for self-insurance retention; and further, that a policy be established allocating \$25,000 per year to this fund until such time that a limit is reached which is desirable to the City Council.

MUTUAL LICENSE
AGREEMENT RE
CITY PARKING
LOT #3

City Attorney Mullen apprised the Council that in connection with the Bank of America remodeling and redesigning of the parking lot, he would deem it advisable to enter into a Mutual License Agreement. The City Attorney pointed out that Paragraph 1 of the proposed agreement presented for Council's perusal provides that either party may terminate on 180 days' notice to the other party. Mr. Mullen deems this advisable in the event that the City in the future may want to use the parking lot for covered parking, or such other purpose as may be deemed best for the citizens of Lodi.

Following discussion with questions being directed to the City Attorney, Council, on motion of Councilman McCarty, Pinkerton second, approved a

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MUTUAL LICENSE
AGREEMENT
(Cont'd)

Mutual License Agreement between the City of Lodi and Bank of America re City Parking Lot No. 3 and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

AGENDA ITEM
"o" REMOVED
FROM AGENDA

With the tacit concurrence of the City Council, Agenda item "o" - "Authorize NPC Tax Deferred Annuity and Insurance Marketing Corporation to serve as the City's Administrator/Coordinator for Deferred Compensation" was removed from the Agenda.

ORDINANCES

CITY CODE
AMENDED RE
DUTIES, ETC.
OF MAYOR;
DATE OF
ELECTION

ORD. NO. 1164
ADOPTED

Ordinance No. 1164 entitled "An Ordinance Amending Section 2-6 of the Lodi City Code Entitled 'Duties, etc. of Mayor as Presiding Officer; Mayor Pro Tempore' " having been introduced at a regular meeting held January 17, 1979 was brought up for passage on motion of Mayor Pro Tempore Katzakian, Hughes second. Second reading was omitted after reading by title, and the Ordinance was then adopted and ordered to print by the following vote:

Ayes: Councilmen - Hughes, Katzakian,
McCarty, and Pinkerton

Noes: Councilmen - None

Absent: Councilmen - Katnich

ADJOURNMENT

There being no further business to come before the Council, Mayor Pinkerton adjourned the meeting at approximately 9:08 p.m.

Attest:

Alice M. Reimche
ALICE M. REIMCHE
CITY CLERK